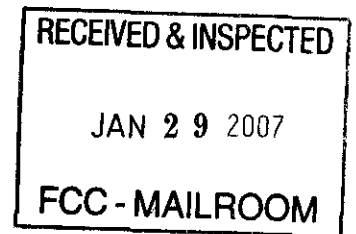


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Mathematics & Science Center
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Richmond, VA 23223

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Thank you,

From: Beverly Lewis

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Mathematics & Science Center
2401 Hartman Street
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**Before the
Federal Communications Commission
Washington, D.C.**

In the Matter of:

Application for Review of decisions)	
of the Schools and Libraries Division)	
of the Universal Service Administrative)	
Company for the Mathematics and Science)	Application Number
Center, Richmond, Virginia)	503384
)	
Joint Board on Universal Service)	CC Docket No. 02-6

Application for Review by the Mathematics and Science center, Richmond, Virginia. Billed Entity Number 126510; Funding Request Numbers 144819 and 1448960.

In accordance with the Code of Federal Regulations Title 47, Part 57, Section 54.719, The Mathematics and Science Center (Center), a Consortium of public school divisions in the greater Richmond, Virginia area, hereby requests the Federal Communications Commission (Commission) review the decision of the Universal Service Administrative Company (Administrator) captioned above.

Background

For Funding Year 2006, the Center applied for Universal Service E-Rate discounts for broadband and Internet connectivity in the amount of \$5,572.80. The Center applied for discounts as a Consortium in accordance with Commission regulations because the Center is owned, governed and serves students from school divisions in the greater Richmond, Virginia. The Center is located in a former school building in eastern Henrico County. According to the Center's Annual Report 2004-2005, overview of the Center:

The Mathematics & Science Center delivered educational

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0

programs that led and supported area school divisions in developing all students' math and science skills. The seven member school divisions provided the operating budget of this educational consortium: the counties of Chesterfield, Hanover, Henrico, King William and Powhatan and the cities of Colonial Heights and Richmond.

Students, teachers, and parents learned in the Center's uniquely designed award-winning facilities, in regular school classrooms equipped with special materials and visiting staff, through webbased programs, and in special Saturday and summer programs on campus and at a variety of locations throughout the community.

According to the annual report, over 700,000 contacts were reached directly or indirectly through Center instruction and materials, including Internet experiences.

Without question, the Center provides valuable educational services to member school divisions. Much of the educational services are provided via broadband Internet connections. The Center sought E-Rate discounts for those broadband Internet connections.

During the application review, the Administrator requested copies of Letters of Agency from all consortia members. The Center had not collected Letters of Agency in a format posted on the Administrator's Web site in its Sample Letter of Agency. The Center did however provide the Administrator reviewer with sufficient documentation to prove the Center was authorized to apply for E-Rate discounts.

In correspondence dated August 15, 2006 the Administrator denied funding for the Center citing the following reason: "Consortium leader has failed to provide evidence of authority to file Forms 471 on behalf of, or evidence of the membership of, a substantial number of the members included in this consortium."

The Center appealed the denial to the Schools and Libraries Division on August 28, 2006 submitting the same material provided during application review (Attachment A).

In correspondence dated November 30, 2006 the Administrator denied the Center's appeal (Attachment B).

Discussion

The Administrator has improperly denied funding for the Center and has grossly overstepped its authority to administer the E-Rate support mechanism in accordance with Commission regulation by adding requirements for the Letter of Agency beyond those required by the Commission. The Administrator has ignored proof of consortium ownership by school divisions. The Administrator failed to recognize the Form 479 as proof of knowingness of consortium membership and participation in the E-Rate program. Finally, for Fund Year 2006, the Administrator failed to provide guidance to consortia leaders on its Web site. The link to "Consortia Lead Member Responsibilities" on the Reference Area of the Administrator Web site was not functional during the entire Year 2006 application window.¹

In denying funding for the Center, the Administrator first asserts that the Forms 479 submitted by each member of the Consortium provides "...no indication of the services or products that the board is intending on purchasing as part of the E-Rate program."² To the contrary, each member signing the Form 479 certifies under oath that "I am the Administrative Authority for one or more schools or libraries for which universal Service

¹ See www.waybackmachine.org for the Administrator's Website dated January 12, 2006

² Administrators Decision on Appeal to Beverly Lewis Dated November 30, 2006 First Bullet

Support Mechanism discounts have been requested or approved for eligible discounts.”³ Without knowing what services have been requested, it would be impossible for an entity to sign the certification. On its face the certifying authority recognizes E-Rate discounts have been requested and that those services are E-Rate eligible. It would stand to reason the certifying authority would be aware of the types of services covered under the application. Indeed, the Administrator acknowledges in the same paragraph “A statement about products or services is required on the LOA. The statement can be broad, but it cannot be left blank or unsaid.” In fact, the statement can be as broad as “All E-Rate eligible services.” Certification number 4 of the Form 479 covers this requirement without ambiguity.

In bullet two of the Administrator’s Decision on Appeal, the Administrator asserts “You failed to provide evidence of your authority to file FCC Forms 471 on behalf of, or evidence of, the membership of all the members included in this consortium.” The Center provided to both the reviewer and the Administrator Center bylaws that state the member school divisions are owners of the Center. Because the Center is owned by member school divisions and provides services to those school divisions, any E-Rate application must be filed as a consortium application – by definition. The owners of the Center are also members – by definition. These facts are clear and unmistakable on their face. The Center is at a loss to understand how the Administrator could not grasp this simple concept. The Center did provide minutes of the December 8, 2005 board meeting where

³ Form 479 Certification Line 4

the budget was discussed. The budget included a provision for E-Rate recovery of \$5,263 for the fiscal year 2006-2007. All member school division superintendents were in attendance at the December 8 meeting and were provided with copies of the budget. E-Rate was discussed at the meeting. Each superintendent was aware their school division was a member (owner) of the Center. Each superintendent knew E-Rate discounts were being applied for in support of Center activities. Each superintendent knew the Center applied for discounts for E-Rate eligible services each year of the E-Rate program. Each E-Rate representative for the superintendent signed a Form 479 before the Form 471 was filed acknowledging discounts had been applied for on their behalf.

Conclusion

The Center asks the Commission to overturn this decision and direct the Administrator to restore E-Rate discounts to the Center. The Center has demonstrated beyond doubt that all members of the consortium were aware of the Center filed for E-Rate discounts. The requirement to list specific services on documentation the Administrator refers to as a "Letter of Agency" has been revised to allow a general statement such as "all E-Rate eligible services," which is included in certification number 4 of the Form 479. Finally, the Administrator provided absolutely no guidance to Consortia Leads during the Year 2006 filing window, as the link on the Administrator's Web site Reference Area Consortia Lead guidance was not operational.

The Commission has consistently ruled that the E-Rate program is exceedingly complex and the Administrator must improve applicant training and outreach. For consortia guidance in Year 2006, the Administrator utterly failed.

Alternatively, and in the public interest, the Center asks the Commission to waive any minor rule violations that may have occurred with this filing. We note the funding request is relatively small, is for necessary services, did not waste program resources and did not abuse the intent of the program. Certainly, there was no fraud involved with this funding request.

Respectfully submitted this 26 day of January, 2007



Beverly Lewis
Business Manager

The logo for Universal Service Administrative Company (USAC) features the letters "USAC" in a bold, serif font. A stylized, curved line arches over the letters, resembling a bridge or a protective shield.

Universal Service Administrative Company
Schools & Libraries Division

Today's Date **March 30, 2006**

TO: **Beverly Lewis**
PHONE: **804-343-6525, x-224**
FAX: **804-343-6529**
E-MAIL **blewis@mathsciencecenter.info**
RE: **FY 2006 (FY9) Consortium Review – BEN 126510**
RESPONSE DUE: **April 6, 2006**

It is important that we receive all of the information requested within seven (7) calendar days from the date of this document so that USAC may complete the review of your funding request(s). USAC encourages you to provide full and complete responses. A non-response to any of the specific requests made here will be taken to mean that you had no information to provide on the question. A partial answer, such as submitting some LOAs but not others, will be viewed as being all of the information that you have. When your response is received, USAC will complete the review based on the information on hand. USAC urges you to carefully review your response before returning it to ensure that you have provided complete responses to all questions. Finally, note that USAC is unable to grant multiple or lengthy extensions to respond to this request for information or seek information not previously provided.

Dear Ms. Lewis,

This is to confirm our conversation and request for documentation for Richmond Public Schools, BEN 126510 on March 30, 2006. As discussed, we are looking for documentation to show that all of the members of your consortium were aware of the filing of applications on their behalf. You can document this knowingness in several ways:

1. Submit documentation of knowingness such as Letters of Agency (LOAs) for all entities listed in Block(s) 4 of your Form 471 applications. Other vehicles to establish this authorization could be a project agreement, a contract, a letter agreement, or other similar document.
2. For multi-year LOAs that have been previously submitted to USAC for review, provide us with information to locate those in our files as well as any updated information; or
3. For consortia that are created by statute or regulation with mandatory participation, provide a copy of the applicable statute or regulation along with an explanation.

Specific instructions:

1. Applicants submitting new Letters of Agency

Please provide documentation/Letters of Agency (LOAs) for all entities listed in Block(s) 4 on your Form 471 certified application(s): 503384. If you have filed additional applications, and they are not listed here, please provide the application numbers and any additional documentation/LOAs associated with these applications.

These documents/Letters of Agency should describe that the entity is: 1) a member of the Consortium and, 2) has authorized participation in the filing of the 471 application(s). The document (LOA) must contain the following information:

- Name and Consortium Leader ✓
- Name of Consortium Member and Dated Signature ✓
- Timeframe the Consortium will be in effect (must cover current fund year) ✓
- Type of service(s) consortium is authorized to apply for. ✓

In addition, if your documentation/LOAs do not match the Block 4 Entities exactly, please provide a cross reference to explain/eliminate any discrepancies. For Example:

- Schools A & B are listed on Block 4 and are related to School District Z for which for you are submitting an LOA.
- Block 4 lists the Main Street Library and your LOA is for the George Washington Library.

2. Multi-year Letters of Agency guidelines

If you have multi-year LOAs that have been submitted in a previous Funding Year, you do not have to resubmit them. In lieu of sending us the actual LOAs please provide the following:

- Please tell us for which Funding Year you provided them.
- Please provide a list of those entities, whose LOA(s) was/were previously submitted, that have dropped out of the consortium. The list must contain the Entity Name and Number.
- Please provide us with any new LOAs that were not previously submitted and whose entities are now a member of your consortium

3. Consortia created by statute or regulation, with mandatory participation

If your consortium does not require Documentation/LOAs as a result of laws governing the mandatory participation of all schools and/or libraries in your consortium:

Please provide a copy of the state statute or regulation in regards to the mandatory participation of the consortium member entities.

- Please provide a statement of interpretation of the statute or regulation

4. Consultants or Other Representatives

Consultants or others, who are not employees of the Billed Entity, must also submit a Letter of Agency from the applicant affirming that they are authorized to represent the applicant. For more information, please refer to "Letters of Agency" on the SLD section of the USAC web site <http://www.universalservice.org/sl/tools/reference/letters-of-agency.aspx>.

Please fax or email all documentation to my attention within 7 calendar days.

If you have any questions, please call me at 973-581-5106.

Thank you,

Dick Destaffaney
Schools and Libraries Division – Consortium Review
Phone 973-581-5106
FAX: 973-599-6576
E-Mail: ddestaf@sl.universalservice.org



Mathematics & Science Center
2401 Hartman Street
Richmond, VA 23223

March 31, 2006

To: Dick Destaffaney
Erate Reviewer

From: Beverly Lewis 
MSC Erate Contact

Re: Application #503384

We have decided to use documentation to prove that we have authorization to file Form 471 FY2006 on behalf of our consortium members:

Chesterfield County Public Schools
Henrico County School District
Hanover County Public Schools
Richmond Public Schools
Powhatan County School District
King William School District
Colonial Heights City Public Schools
Petersburg City School District

Pages 1 & 2 Represent the Proposed Revenue for the 2006-2007
School Year (7/1/2006-6/30/2007.)

***Note on page 2 that the Board is expecting us to have revenue from the Erate filing.**

Pages 3 & 4 Represent the By-laws for the Mathematics & Science Center
Board.

***Note that the Board is comprised of the Superintendents from the owning school divisions.**

Pages 5-7 Represent the December 2005 Board meeting minutes.

***Note that on page 5 it names the Board members, on page 6 it shows that the 2006-2007 Operating Budget was presented and on page 7 the Chairman of the MSC Board has signed the minutes.**

Pages 8-11 Represents the Roll for the Mathematics & Science Center
Board that goes in the Board packet every meeting.

***Note that this also shows the 8 Superintendents as Board Members.**

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Pages 12-20 Represents the proof that the Board members are, in fact,
who we say they are.

***I have obtained the proof by going to each division's website and downloading
the superintendent's name.**

Pages 21-36 Represents the Form 479's that I requested from each division
before the filing of the Form 471 from the Superintendent's
Erate division contact.

***This would not be completed by the divisions unless they were working with us to
turn in our Form 471 Application on their behalf.**

Mathematics Science Center
Revenue Page
2006 - 2007 Proposed Budget

11/15/05

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MATH SCIENCE CENTER

013

Revenue		2005-2006	Increase	2006-2007
Account Number	Budget Description	Budget	Decrease	Baseline Budget
805.0000.6102.0000.4293	Other State Agencies	\$0.00	\$0.00	\$0.00
805.0000.6102.0000.4199	Other School Divisions-Non-Consortium	\$52,200.00	\$0.00	\$52,200.00
805.0000.6102.0000.4168	Operating Expense Recovery	\$65,471.00	(\$48,919.00)	\$16,552.00
805.0000.6102.0000.4197	Indirect Costs	\$10,000.00	\$1,765.00	\$11,765.00
805.0000.6102.0000.4182	Donations, Special Gifts	\$52,243.00	\$4,515.00	\$56,758.00
	Subtotal - Other Revenue	\$179,914.00	(\$42,639.00)	\$137,275.00
805.0000.6102.0000.4159	MSC Contribution-King William (1.83%)	\$40,394.00	\$3,813.00	\$44,207.00
805.0000.6102.0000.4192	MSC Contribution - Chesterfield (32.27%)	\$835,243.00	\$67,237.00	\$902,480.00
805.0000.6102.0000.4193	MSC Contribution-Hanover (12.94%)	\$284,096.00	\$26,960.00	\$311,056.00
805.0000.6102.0000.4194	MSC Contribution-Henrico (29.80%)	\$724,409.00	\$62,090.00	\$786,499.00
805.0000.6102.0000.4151	MSC Contribution-Richmond (15.77%)	\$490,613.00	\$32,856.00	\$523,469.00
805.0000.6102.0000.4199	MSC Contribution-Powhatan (2.74%)	\$65,510.00	\$5,709.00	\$71,219.00
805.0000.6102.0000.4147	MSC Contribution-Colonial Heights (1.73%)	\$39,799.00	\$3,605.00	\$43,404.00
805.0000.6102.0000.4146	MSC Contribution-Petersburg (2.93%)	\$70,155.00	\$6,105.00	\$76,260.00
	Subtotal - Consortium Contributions	\$2,550,219.00	\$208,375.00	\$2,758,594.00
	Total Revenue	\$2,730,133.00	\$165,736.00	\$2,895,869.00
	Total Expenses	\$2,760,133.00	\$165,736.00	\$2,925,869.00
	Funds Needed to Balance 06-07 Budget	\$30,000.00	\$0.00	\$30,000.00

Consortium Contributions
for the 8 systems

Mathematic Science Center
Synopsis of Other Revenue
2006 - 2007

10/25/05

01/26/2007 16:18 FAX 8043436529

MATH SCIENCE CENTER

014

Account #	Budget Description	Specific Item	2005-2006 Budget	Increase Decrease	2006-2007 Baseline Budget
4199	Other School Divisions (non-consortium schools)	Charles City County	\$5,000.00	\$0.00	\$5,000.00
		St. Bridget's	\$1,000.00	\$0.00	\$1,000.00
		Hopewell	\$25,000.00	\$0.00	\$25,000.00
		Prince George	\$15,000.00	\$0.00	\$15,000.00
		The Stewart School	\$5,000.00	\$0.00	\$5,000.00
		Miscellaneous Lessons	\$1,200.00	\$0.00	\$1,200.00
		Subtotal	\$52,200.00	\$0.00	\$52,200.00
4168	Operating Expense Recovery	E-Rate	\$5,470.00	(\$207.00)	\$5,263.00
		MSC Foundation Photocopying & Postage	\$1,000.00	\$0.00	\$1,000.00
		Professional Development Courses (ES Grant)	\$12,447.00	(\$5,771.00)	\$6,676.00
		Operations Assistant (ES Grant)	\$29,867.00	(\$29,867.00)	\$0.00
		Operations Assistant-Fringe Benefits(ES Grant)	\$7,450.00	(\$7,450.00)	\$0.00
		VCU - Web Master (ES Grant)	\$8,437.00	(\$5,624.00)	\$2,813.00
		Miscellaneous Lessons	\$800.00	\$0.00	\$800.00
		Subtotal	\$65,471.00	(\$48,919.00)	\$16,552.00
4182	Private Donations	MSC Foundation (Director)	\$52,243.00	\$4,515.00	\$56,758.00
		Subtotal	\$52,243.00	\$4,515.00	\$56,758.00
5951	Indirect Cost	Indirect MSC Earth Science Grant	\$10,000.00	\$1,765.00	\$11,765.00
		Subtotal	\$10,000.00	\$1,765.00	\$11,765.00
		Grant Total	\$179,914.00	(\$42,639.00)	\$137,275.00

Proof of Authorization
to file E-Rate applications

**Mathematics & Science Center
By-Laws of the Board
Revised – December 7, 2000**

NAME

THE name of this body will be the Board of the Mathematics & Science Center

OBJECTIVES

TO represent and interpret the objectives, goals, programs and needs of the Mathematics & Science Center to local school boards.

TO maintain unexcelled opportunities and programs in mathematics and science education for children and teachers in the region.

TO determine policy for the Mathematics & Science Center as needed.

* TO approve the final budget submitted by the director.

TO provide counsel to the director as needed.

MEMBERS

* THE Board will be comprised of superintendents from owning school divisions, one school board member from each division, two at large members from business and industry, and one member of the Mathematics & Science Center Foundation Board.

THE two at large members will be selected by a majority vote of the Board of the Mathematics & Science Center from nominations submitted by Board Members. At large members will serve for two year staggered terms except the first year, when one will be elected for three years and one for two years.

THE school board member serving on the Board of the Mathematics & Science Center will be selected by the local school boards prior to August 1 of each year.

THE Mathematics & Science Center Foundation member serving on the Board of the Mathematics & Science Center will be selected by the Foundation Board prior to August 1 of each year.

OFFICERS

THE Chairman of the Board will be elected every other year by the Board membership. The Chairman will serve for a two-year term. A new Chairman will be elected at the last meeting of the year prior to August 1.

MEETINGS

MEETINGS of the Board will be held at least three times per year. Additional meetings will be held as needed.

EXECUTIVE COMMITTEE

THE superintendents of the owning school divisions, the Board Chairman, the Finance Chairman, and the director will constitute the Executive Committee.

FINANCE COMMITTEE

THE Finance Committee will be composed of one chief financial officer and/or superintendent from each owning school division, the MSC director, and the MSC business manager. The School official serving on the Finance committee of the Mathematics & Science center will be selected by the superintendent prior to August 1 of each year.

MEETING of the Finance Committee will be held at least three times per year. Additional meetings will be held as needed.

THE Chairman of the Finance Committee will be elected every other year by the MSC Board membership. The Chairman will serve for a two-year term. A new finance Chairman will be elected at the last meeting of the year and prior to August 1.

AMENDING THE BY-LAWS & QUORUM

THE By-Laws can be amended by 50% of the Board of the Mathematics & Science Center.

THE quorum for the Board shall be 50% of the members. Superintendents may designate an individual to represent him/her and to vote. Designees shall cast only one vote, and can not represent multiple individuals.